

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, April 11, 2017

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. Regular Meeting of March 14, 2017

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing (NONE)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2017-6 and Variance Permit V-2017-2 to deviate from the minimum lot size requirement within the Agriculture (A) zoning district, pursuant to Section 8-8-3(b) of the Kauai County Code (1987) as amended, involving a parcel situated on the makai side of Kuhio Highway in Kilauea, approx. 600 ft. north of the Waiakalua Street/Kuhio Highway intersection and further identified as Tax Map Key (4) 5-1-005:132, and affecting a total area of 27,450 sq. ft. = ***Brian Lansing & David Camp***. [Director's Report received 3/28/17.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2017-7 and Variance Permit V-2017-3 to deviate from the lot length requirement within the Residential (R-4) zoning district, pursuant to Section 8-4.4(a)(3) of the Kauai County Code (1987) as amended, involving a parcel situated on the southern side of Kuhio Highway in Hanamaulu Town, approx. 350 ft. west of the Laukona Street/Kuhio Highway intersection and immediately adjacent to property identified as 4485 Laukona Street/Kuhio Highway intersection and immediately adjacent to property identified as 4485 Laukona Street, Tax Map Key (4) 3-7-006:097, and affecting a total area of 82,880 sq. ft. = *Neil B. and Desiree A. Fagarang*. [Director's Report received 3/28/17.]
- c. Special Management Area Use Permit SMA(U)-2017-1, Class IV Zoning Permit Z-IV-2017-8, and Use Permit U-2017-6 for construction of a farm dwelling unit and guest cottage within the Seacliff Plantation Subdivision in Kilauea, involving a parcel situated at the terminus of Pali Moana Place and immediately adjacent to property identified as 4101 Pali Moana Place, Tax Map Key (4) 5-2-004:095, and containing a total area of 5.476 acres = *Nicholas F. Marvin Trust*. [Director's Report received 3/28/17.]

3. Continued Public Hearing

4. New Public Hearing

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 4/25/17

- a. Class IV Zoning Permit Z-IV-2017-9, Use Permit U-2017-7 and Special Permit SP-2017-3 to allow construction of a new control building, replacement of an existing well pump, and associated site improvements involving a parcel situated on the eastern side of Wailaau Road in Koloa, approx. ½-mile of its intersection with Maluhia Road, further identified as Tax Map Key (4) 2-8-002:001, and affecting a portion of a larger parcel approx. 314+ acres in size = *County of Kauai, Department of Water*.
 - 1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. In re the Application of *Princeville Hanalei Plantation, LLC*, Shoreline Setback Application and Determination SSD-2017-33.
 - a. Letter from Harold Bronstein, Esq., dated April 4, 2017, requesting the Planning Commission:
 - 1) Enter an Order Staying the Planning Director's Decision in SSD-2017-33;
 - 2) Take all action necessary for the Planning Commission to promulgate the rules and regulations necessary to create an appellate procedure for appeals from the Planning Director's Decisions and/or other actions pursuant to 8-27.14;
 - 3) Enter an Order requiring the Applicant to obtain a certified shoreline prior to any attempt to determine the shoreline setback line;
 - 4) Enter an Order Reversing the Planning Director's Decision of March 1, 2017 determining that the Applicant pursuant to 8-27.3 is "exempt" from those shoreline setback determination requirement of 8-27.8; and
 - 5) Such other action the Planning Commission deems appropriate at this time.
 - b. Date setting of hearing and deadlines.

J. COMMUNICATION (For Action)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

1. Special Permit SP-2016-4 to operate a transient vacation rental in Kilauea, located on Kauapea Road, approx. 1,300 ft. from the Kauapea Road and Kilauea Road intersection, identified as Tax Map Key 5-2-004:064, and affecting a portion of 7.418 acres = *Lee Unkrich and Laura Century Family Trust*. [Director's Report, Recommended Findings of Fact, Conclusions of Law, and Decision and Order received; hearing deferred 6/28/16, deferred 9/27/16, deferred 1/24/17.]
 - a. Stipulation to Continue Planning Commission Hearing on Special Permit Application SP-2016-4 on April 11, 2017 from Terence J. O'Toole, Laurel Loo, Attorneys for Dolphin House Estates, LLC, Terence J. O'Toole, Attorney for Lawrence Devine.
2. Zoning Amendment ZA-2017-4 : A bill for an ordinance amending Chapter 8 of the Kauai County Code (1987), as amended, to establish a zoning designation appropriate for any parcel encompassing a university or college campus = *County of Kauai*. [Director's Report and Supplemental No. 1 to Director's Report received, hearing closed 3/28/17.]
 - a. Supplemental No. 2 Director's Report pertaining to this matter.

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, April 25, 2017.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING

Līhu'e Civic Center, Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Hawaii 96766

Tuesday, April 11, 2017, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee (None)

1. Meeting of February 28, 2017
2. Meeting of March 14, 2017

E. RECEIPT OF ITEMS FOR THE RECORD (None)

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS (None)

H. UNFINISHED BUSINESS (None)

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Map Approval
 - a. Subdivision Application No. S-2015-9
(George Tsukamoto)
Proposed 2-lot consolidation
TMK: (4) 4-6-010: por 04, 05, 35 & 36
Kapa'a, Kaua'i

1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) (Cont'd)

1. Tentative Subdivision Map Approval (Cont'd)

- b. Subdivision Application No. S-2017-5

(A & B Properties, Inc)

Proposed 4-lot subdivision

TMK: (4) 2-1-001: por 30

Ele'ele, Kaua'i

1. Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2012-13

(State of Hawaii, DHHL)

Proposed 55-lot subdivision

TMK: (4) 4-8-022:089

Anahola, Kaua'i

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihu'e, Hawai'i 96766. Telephone: (808) 241-4050.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

April 11, 2017

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2017-46	Coconut Coast Partners	4-3-002:012	Kapaa	Pool Facility Renovations
SSD-2017-47	Tom & Jami McKnight	3-2-03:008	Niumalu	After-the-Fact Fencing
SSD-2017-48	Kauai Shrimp/Sunrise Capital	1-2-002:022	Kekaha	Repair Existing Water Tank
SSD-2017-49	Marriott Waiohai Beach Club	2-8-017:007	Poipu	Tenant Improvement